

**Before the
Federal Communications Commission
Washington, D.C. 20554**

November 14, 2017

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

Petition for Reconsideration of Denial of Invoice Deadline Extension Request

Broome Street Academy Charter High School

Schools and Libraries Program: CC Docket No. 02-6

Petition for Reconsideration

Applicant Name: Broome Street Academy Charter High School

Applicant BEN: 16063501

Service Provider: Verizon Wireless (Cellco Partnership)

SPIN: 143000677

Application Number: 1043396

FRN: 2845103

Submitted by:

Kristin Sniecinski
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Introduction

This is a Petition for Reconsideration of the Denial of the Invoice Deadline Extension Request in DA Order 17-1048.

We argue that the precedents that the Bureau cited in their denial are not accurate to this situation. We have provided additional information below.

Argument

On 5/7/2015 the school requested that Verizon Wireless issue a SPI to USAC. This was done through Verizon Wireless's online system and had to be done by June 2015.

The school was approved for funding on 8/21/15. The service provider did not set the FRN up for SPI discounts and no discounts were applied by Verizon Wireless, as of January 21, 2016, a full 5 months after approval. In order to secure their right to a reimbursement, the school filed a BEAR form for the first half of the funding year on 1/29/2016. This BEAR Form was processed and approved and the school was reimbursed.

With no warning, Verizon Wireless's automated system started issuing the SPI discounts on the school's March 2016 invoice, a full 7 months after approval, so the school did not file a BEAR for the second half of the school year to avoid getting duplicate reimbursements.

We realize this was a Ministerial and Clerical error. However, this was the first time the school had ever used the SPI method and they were unaware that you could not use a combination of SPI and BEAR on a single FRN.

In March 2017, a full year later, Verizon Wireless charged the applicant for all of the 2015/2016 SPI discounts they had already issued on their bills because USAC denied Verizon Wireless's request for their reimbursement on their Form 474. Rather than reach out to the school and USAC and try to rectify the issue, Verizon Wireless simply charged back the school.

Had Verizon or USAC made the school aware of the issue in a timely manner the school could have rectified the situation.

In denying the original request for a waiver, the Commission cited Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) and Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014). In most of these cases, the applicant failed to timely file for their reimbursement. This is not the case in our situation.

The reimbursements were timely filed, there was no waste, fraud or abuse. This is simply a case of a Ministerial and Clerical error.

We believe our case is more similar to Order DA 17-526 which says "we grant the petition for reconsideration filed by Jefferson-Madison Regional Library, reversing the Universal Service

Administrative Company's (USAC) decision rejecting a timely-filed request for reimbursement for services based on a lack of timely service provider certification before the invoice filing deadline. We simultaneously direct USAC to allow all similarly-situated applicants". We believe our situation is similarly situated. The school filed the BEAR on time and Verizon filed the SPI on time. The report of the denial for the SPI invoicing and the service provider consequently charging the school back for all of the credits/discounts that were applied came after the invoicing deadline. Had the applicant been notified that the SPI invoicing form (Form 474) had been denied prior to the deadline, the applicant could have filed the second BEAR without issue.

We request that USAC allow the school to file a BEAR for the second half of the funding year.

Thank you,

A handwritten signature in black ink, appearing to read 'K. Sniecinski', with a long horizontal line extending to the right.

Kristin Sniecinski
Consultant
E-Rate Advantage

Kristin Sniecinski

From: Sylvie Estrella <sestrella@broomestreetacademy.org>
Sent: Tuesday, June 20, 2017 11:16 AM
To: Kristin Sniecinski; Ben Sniecinski
Subject: FW: BROOME STREET ACADEMY CHARTER - 0286731322-00001

Importance: Low

See below.

Can you help figure this out?

Thank you

Sylvie

From: Erate_USACRS [mailto:Erate_USACRS@VerizonWireless.com]
Sent: Tuesday, June 20, 2017 10:56 AM
To: ERate@VerizonWireless.com
Cc: Sylvie Estrella; Olinger, Randy J; stan.makowski@verizon.com
Subject: [QUAR][CORP] RE: BROOME STREET ACADEMY CHARTER - 0286731322-00001
Importance: Low

Good Morning,

The customer received discounts totaling \$2,228.43 for funding year FRN 2845103 on customer account #286731322-00001 as follows:

- March 2016 invoice - \$1,459.38 (billing months July 2015 thru February 2016)
- April 2016 invoice - \$192.33 (billing month March 2016)
- May 2016 invoice - \$192.24 (billing month April 2016)
- June 2016 invoice - \$192.24 (billing month May 2016)
- July 2016 invoice - \$192.24 (billing month June 2016)

Verizon was not reimbursed by USAC for discounts applied to the customer account because a BEAR was filed and the customer was reimbursed via BEAR. As a result, Verizon charged back the customer's account for discounts applied totaling \$2,228.43 on the March 2017 invoice because Verizon wasn't reimbursed.

verizon[✓]

Marla Ham-Chakotae, M.B.A.

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